

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:12cr192
)	
QUINCY L. ALEXANDER,)	
)	
Defendant.)	Hon. Anthony J. Trenga
)	

DEFENDANT’S MOTION TO SUPPRESS STATEMENTS

COMES NOW, the Defendant, QUINCY ALEXANDER, by and through counsel, moves this Court for entry of an Order suppressing from use at trial certain evidence seized by the government, and in support thereof states as follows:

1. On March 22, 2012, Detective Erik Stallings, of the Fairfax County Police Department caused to be filed a criminal complaint against Mr. Alexander alleging a violation 18 U.S.C. 2 & 922(g).
2. On or about March 28, 2012, members of the Fairfax County Police Department arrested Mr. Alexander in Los Angeles, CA on an outstanding bench warrant issued by the Fairfax County Circuit Court.
3. Mr. Alexander was transported to the Fairfax County Adult Detention Center and remained there until April 16, 2012, from which he was subsequently taken into federal custody for the instant offense.
4. While in the Fairfax Detention Center Mr. Alexander was approached by a fellow inmate who resided in the same pod as him who later became known to him as a confidential informant (CI) working for the Fairfax County Police Department.

5. Prior to this encounter, Mr. Alexander had never been acquainted with the CI.
6. The CI initiated conversation with Mr. Alexander by stating that he was a gang member from Florida, he knew of Mr. Alexander's gang affiliation, and was interested in speaking with him regarding acquiring and distributing cocaine throughout Virginia.
7. The CI then began asking Mr. Alexander about his case and offered to help retrieve information about his case.
8. To this end the CI asked for and received from Mr. Alexander the affidavit supporting the complaint filed by Detective Stallings.
9. On April 13, 2012, Mr. Alexander's phone privileges were terminated; again he was approached by the CI, unsolicited, and offered the CI's phone pin in order to make calls.
10. On April 16, 2012, as Mr. Alexander was being transferred to Federal custody, he was told by Detective Erik Stallings of the Fairfax County Police Department "You should know by now that we had a confidential informant in the pod with you", and "We have you and the case is done. So you might as well talk about what we need to talk about."
11. Shortly before Mr. Alexander was delivered into federal custody, he was briefly placed in the same room with the CI who stated "that he was sorry but he had to do it."
12. Mr. Alexander was then told by a sheriff's deputy that he had to be moved because there was a keep away order between him and the CI.

13. Approximately between March 28, 2012 and April 16, 2012, Mr. Alexander is alleged to have made incriminating statements regarding his pending before this Court, and that such statements were relayed by the CI to the Government.
14. At a meeting on June 5, 2012, attended by the undersigned, Assistant U.S. Attorneys Mike Rich and Zachary Terwilliger, and Detective Stallings, Detective Stallings stated that “We had a confidential informant in there with him.”
15. It is respectfully submitted that the Government’s use of a confidential informant to deliberately solicit incriminating statements from Mr. Alexander outside the presence of his counsel violates his sixth amendment right to counsel as protected in the Constitution.
16. For the reasons described more fully in the attached Memorandum of Law in Support of Motion to Suppress Statements, such statements and any evidence derived therefrom are inadmissible at trial and should be suppressed from use by the government.

WHEREFORE, these premises considered and such other matters as may become evident during the hearing herein, the Defendant requests this Court to enter an order suppressing from use at trial all statements unconstitutionally obtained and for such other relief the Court deems just.

Respectfully Submitted,

QUINCY ALEXANDER
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2012 I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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